



# Hendry County Sheriff's Office

## General Order 17.5

<b>TITLE:</b> Sick Leave	<b>SHERIFF'S APPROVAL:</b> Digital
<b>ORIGINATION DATE:</b> October 10, 2018	<b>REVISION DATE:</b> May 23, 2019
<b>RELATED REFERENCES:</b> §121.091, F.S.  <b>CFA:</b> N/A	
<b>REVIEW FREQUENCY:</b> 3 YEARS	<b>DATE OF NEXT REVIEW:</b> May 23, 2022

**I. PURPOSE:** The purpose of this order is to establish a policy/procedure for sick leave and the sick leave bank.

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**II. SCOPE:** This order shall apply to all sheriffs' office members.

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### III. POLICY:

- A. Sick leave is granted to all full-time and part-time employees of the Hendry County Sheriff's Office for those periods of time when an employee is unable to report to work due to personal illness/injury or illness/injury of an immediate family member.
  - B. Leave Portability:
    - 1. When initially hired, if an employee is transferring directly from a Hendry County governmental agency to HCSO, they may transfer 100% of any unused and unpaid sick leave accrued in the prior employment.
    - 2. An employee who has prior service in a Hendry County governmental agency may have their sick leave accrual rate adjusted to reflect the prior service. If not processed upon initial hiring, rate adjustments are not retroactive to an employee's hire date.
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### IV. PROCEDURE:

- A. Accrual of Leave
  - 1. All employees shall accrue sick leave from the date of initial employment.
  - 2. Sick leave may be used by the employee for the reasons defined herein after sick leave benefits have been accrued; i.e., no sick leave benefits will be paid in advance of being earned.

3. Sick leave for full-time employees is accrued. See Human Resource for hours per pay period.
4. The accrual rates/limits above apply to full-time employees; the accrual rates for part-time employees are pro-rated based on their authorized, budgeted schedule of work hours (i.e., the accrual rate for a part-time employee whose scheduled hours are 20/week will be 50% of the rates and limits outlined above). Accrual rates for part-time employees will not be increased when they are temporarily working additional hours, but their authorized, budgeted work schedule has not changed. There is no limit to sick leave accrual for part-time employees.
5. The Sheriff may authorize employees to accumulate leave at a rate consistent with their years of prior experience.

#### B. Usage

1. An employee with a legitimate illness/injury of employee or immediate family member may charge the related number of hours to his/her accrued sick leave balance. Proof of illness/injury may be required by supervision.
2. Sick leave may be used for medical, dental, psychological, optical, chiropractic, or Employee Assistance Program (EAP) appointments, treatments, or examinations of employee/immediate family member when it is not possible to arrange appointments during off-duty hours.
3. Sick leave must be used in increments of at least a quarter hour (15 minutes); for example 6, 6.25, 6.5 or 6.75.
4. Sick leave may be used to supplement Workers' Compensation wage benefits in the event of a compensable on-the-job injury/accident. The combined income from Workers' Compensation wage benefits and sick leave will not exceed 100% of regular gross pay.
5. If an employee becomes ill or injured during an authorized leave, the time off due to the illness or injury may be charged to the employee's accrued sick leave. This applies only to the employee's own illness/injury and does not apply to illness/injury of a family member occurring during the employee's leave. Medical verification of illness/injury may be required.
6. If events occur while an employee is on approved sick leave that qualify for bereavement leave, the time off work for such bereavement leave purposes shall be charged as bereavement leave.
7. If an employee's absence exceeds three consecutive workdays, the employee may qualify for Family Medical Leave (FML) as provided in Policy/Procedure 300.31.
8. Sick leave may be used for approved Family Medical Leave (FML) for the serious health condition of the employee or the employee's spouse, child, or parent that exceeds three consecutive workdays.

#### C. Notification Requirements and Proof of Illness/Injury

1. It is the employee's responsibility to personally notify supervision (unless incapacitated) no later than two hours prior to the beginning of the work shift if the employee will be absent due to illness/injury. It is the employee's responsibility to report in this manner for each day of absence due to illness/injury unless the employee receives prior authorization, as in the case of approved family and medical leave.
2. If the employee's sick leave absence is more than three consecutive work shifts or days, medical verification from a physician is required in order to use sick leave.

3. Any employee absent from work for more than five consecutive work days/shifts, due to his/her own medical condition shall submit a physician's release to Human Resource verifying the employee's ability to return to full duty without restriction(s). The release must be provided prior to the employee resuming his/her assigned duties.
4. A physician's statement may also be required for any employee who:
  - a. Takes excessive sick leave, either on separate days or on continuous days in any given time period.
  - b. Demonstrates a pattern of absenteeism.
  - c. Calls in sick on a day or days when other leave was previously denied.
  - d. Routinely requests to take sick leave as soon as it is accrued (i.e., one day at a time as soon as it is earned).
  - e. Is frequently absent the day before a scheduled day off.
5. Frequent and/or excessive absences charged to sick leave without medical verification but which hinders operations, impedes work flow, or creates other adverse operational impact; evidence of malingering; a pattern of sick leave usage (e.g., Mondays, Fridays); use of sick leave for false claims of illness/injury; falsification of proof to receive payment of sick leave; and/or failure to comply with rules and regulations governing sick leave may result in denial of sick leave pay and/or disciplinary action, including dismissal.
6. Sick leave charged following an employee's notice of resignation and occurring prior to the date of termination must be verified by a physician's statement certifying the illness/injury in order to be compensated from the employee's accrued sick leave balance.
7. Supervision is responsible for determining that sick leave is properly authorized and is used in accordance with these rules. Therefore, supervision is authorized to make any investigation of employee usage of sick leave benefits deemed necessary and payment will not be made for claims not properly substantiated.
8. The number of times an employee uses sick leave in a year will not be just cause to discipline or for a low rating on an evaluation without proof of a violation of the reasons listed in this section.
9. Demonstrates any other use of sick leave that may be deemed by supervision to require verification.

#### D. Maximum Accrual

1. There is no maximum accrual on sick leave.

#### E. Separation/DROP

1. Employees who terminate employment during their new hire probationary period or employees who do not separate in good standing are not eligible for payment of any unused sick leave.
2. Employees, who properly resign, are laid off, or otherwise separate in good standing are eligible, at the discretion of the Sheriff, to receive a payout of 25% of the member's remaining unused sick leave at their rate of pay at the time of separation.

3. Employees who meet the requirements for normal retirement under the Florida Retirement System guidelines and retire in good standing from the Sheriff's Office (i.e., retirement is simultaneous with separation from service) will be paid 25% of all accrued sick leave.
4. Eligible employees who elect to participate in the Florida Retirement System Deferred Retirement Option Program (DROP) may choose to receive a lump-sum payment of 25% of accrued sick leave upon commencement of participation in DROP or, alternatively, upon termination from DROP. If the payment of accrued sick leave is elected at the beginning of participation in DROP, the employee shall be paid for any remaining accrued sick leave upon separation from DROP based on the limitations herein.
5. In the event of the death of an employee who has not vested under the Florida Retirement System, payouts are at the same rate as an employee separating in good standing. If the employee is vested under the Florida Retirement System, the payout rate is at 50% of all unused sick leave. Payouts will be made to the employee's pre-established direct deposit, employee's estate, or as provided by law, at the rate of pay the employee was earning at the time of death.
6. In the event of the death of an employee in the line of duty, the payout rate is 100% of all unused sick leave. Payouts will be made to the employee's pre-established direct deposit, employee's estate, or as provided by law, at the rate of pay the employee was earning at the time of death.

F. Unpaid Leave of Absence

1. An employee will not be entitled to earn or accrue sick leave while in any unpaid status, including unpaid suspensions, effective the first full pay period without pay.

G. Paid Leave of Absence

1. Employees will continue to earn sick leave during any paid leave of absence.

H. Suspension

1. Employees on imposed suspension without pay for a full pay period or longer will not accrue sick leave during the time served as a suspension.

I. Sick Leave Bank Donations

1. An employee may request sick leave bank donations. In order to receive sick leave donations, the employee must meet the following conditions:
  - a. Employee must have already exhausted all accrued leave.
  - b. Employee must not have abused sick leave in the past, evidenced by adherence to policy and the supervisor's approving signature on the memorandum for request of donated leave credits.
  - c. Employee must be in need of a minimum of 40 hours.
  - d. Employee must have supplied Human Resources with a certification of medical condition from their treating physician.
2. Donations may be given to a needy employee's sick leave bank from another employee's accrued annual leave, sick leave, and/or compensatory time banks on an hour for hour basis. Complete sick leave bank donation form 300.34-01.

3. Credits to an employee's sick leave bank from sick leave donations will not exceed 500 hours per occurrence or 2000 hours total during the employee's tenure of employment.

J. Perfect Attendance

1. Those members having perfect attendance, who does not use any unapproved sick leave for a one-year fiscal period beginning October 1<sup>st</sup> and ending September 30<sup>th</sup> may convert 36 hours of unused Sick Leave to either cash or PTO in the first quarter of the fiscal year (October-December). Those members using up to one day of paid Sick Leave may convert 24 hours and those using up to two days of Paid Sick leave may convert 12 hours. Member may elect not to convert their time. Human Resource will notify those members qualifying for the conversion each October by posting a list of those eligible and congratulating them on their accomplishment. Donations of Paid Sick Leave to the Sick Leave Bank do not count against perfect attendance.

- K. Any employee assigned a Sheriff's Office vehicle who is unable to work for a period exceeding seven days may be required to relinquish his/her vehicle until he/she is released to return to work. It is the responsibility of the supervisor to contact Fleet Maintenance so arrangements may be made for the vehicle to be picked up. The employee's supervisor may also collect additional assigned equipment. Once the employee has obtained a release to return to work, the supervisor will contact the employee concerning a vehicle reassignment, and re-issuance of assigned equipment.

L. Sick Leave Use for 457 Deferred Compensation Plan Catch-Up

1. Employees who are participating in the 457 deferred compensation plan pre-retirement catch-up are permitted to utilize a portion of their sick leave toward their catch-up contribution into the agency approved deferred compensation (457b) plan, as permitted by law. This benefit is available in September of each year, subject to the availability of funding as determined by the Sheriff. The Sheriff may approve this benefit additional times during the year if deemed necessary.
  - a. To request this benefit, employees are to notify Human Resources by submitting a memorandum by July 31<sup>st</sup>. A memorandum is required for each year.
  - b. Accruals are utilized at a percentage rate consistent with the employee's payout rate (Section E. Separation/DROP).
  - c. In no instance may an employee go beyond the maximum annual contribution limit as allowed by law.
  - d. Employees who do not have an established deferred compensation plan with the agency approved provider are required to enroll prior to receiving this benefit.

M. Light Duty

1. Employees with injuries or illnesses have the option to request by submitting a memorandum for light duty assignment for a period of up to 60 working days.
2. Light duty assignments may be authorized with the approval of a chief deputy or designee.
3. Medical clearance by the treating physician must be submitted to Human Resources prior to beginning a light duty assignment.
4. Where an employee is temporarily unable to perform their normal work duties due to illness or injury, but is given a reasonable prognosis to return to full duty within the near future, the Sheriff or his designee shall give due consideration to any request by the employee to be temporarily

assigned duties within the employee's medical restrictions. This shall have no effect on the agency's ability to make a different assignment based upon the current medical opinion.

5. The work schedule for light duty shall be the normal work schedule required by the light duty position at the discretion of the unit supervisor.
6. If the employee is assigned a department issued vehicle, the employee will not use the assigned vehicle during light duty assignment or any portion of the leave period without receiving medical clearance to operate a motor vehicle by the treating physician and approval from a chief deputy. The clearance must be submitted on a Physicians Statement to Human Resources via the employee's chain of command prior to the use of the vehicle during the light duty assignment or associated leave period.
7. Members on light duty shall not be in uniform or otherwise identifiable as a law enforcement officer while outside HCSO facilities. Firearms must be concealed at all times.
8. Members may attend training on light duty status if the training is provided in county and in a classroom setting, as long as the training does not conflict with the physician's recommendation(s). If the member wishes to apply for out of county training, they may do so upon taking approved leave.
9. A pregnant employee whose physician certifies that she should not continue working the field shall request to be placed in a light duty position with no loss in pay, provided a position is available for placement. The pregnant employee will be permitted to be on light duty for the duration of the pregnancy.

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## V. GLOSSARY:

**ACCUMULATED SICK LEAVE** - The number of hours of sick leave time that an employee has accrued from the employee's date of hire.

**COMPENSATION RATE (Worker's Compensation) (Comp. Rate or CR)** – 66 2/3% of the average weekly wage up to a maximum benefit established by the Division of Workers' Compensation.

**DEFERRED RETIREMENT OPTION PROGRAM (DROP)** – A program which was enacted July 1, 1998, allowing members of the FRS who have met the age and service (vesting) requirements for retirement to receive their retirement benefits and continue working for a certain period of time, as outlined in the SPD.

**EMPLOYEE** – In some instances, Employee pertains to all full and part-time personnel compensated by the Sheriff and are eligible for participation in the FRS (after 6 months of service). However, for purposes of the access to Employee Assistance Program (EAP); for the purposes of awarding leave or accruing sick leave or eligibility of insurance benefits **employee** is defined as **full-time** employees of the Sheriff's Office. Part-time, temporary, substitute, contractual, seasonal, or similar non-permanent individuals will not be considered employees.

**FAMILY MEDICAL LEAVE ACT (FMLA)** – A provision of 1993 Federal Law (U.S. Department of Labor, Title 29, Part 825) that provides employees a period of leave to care for a serious health problem affecting the employee or qualified member of his/her family.

**IMMEDIATE FAMILY MEMBER** – As it pertains to Sick Leave – as the employee's spouse, children or stepchildren, parents/stepparents, brothers, sisters, grandparents, or grandchildren of either the employee or his/her spouse.

**INJURY** – Personal injury, illness or death by accident arising out of and in the course of employment.

**PROBATIONARY EMPLOYEE** – Any employee required to serve a probationary period who has not completed the 1-year new hire probationary period.

**SERIOUS HEALTH CONDITION** – An on-the-job or off-duty illness, injury, impairment, physical or mental condition that involves one of the following:

- Inpatient care - in a hospital, hospice, or residential medical care facility including any period of incapacity or subsequent treatment in conjunction with or consequent to such inpatient care.
- Continuing care - for more than three (3) consecutive work days that also involves:
  - o Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., a physical therapist under orders of, or on referral by, a health care provider); or
  - o Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
  - o Pregnancy - Any period of incapacity due to pregnancy or prenatal care.

**SEVERE/DEBILITATING** – An injury or illness resulting in extreme damage and impairment.

**SICK LEAVE** – Time off with pay, deducted from the employee's accumulated sick leave, due to an employee's illness/injury or illness/injury of an immediate family member.

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